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American Civil Liberties Union of Tennessee

Annual Report

April 1, 2011 – March 31, 2012



Letter from Our Leadership

Dear Friends of ACLU-TN,

In the build-up to an election year, civil liberties always seem to be the first casualty. This past year was no exception.

At the legislature, a majority of legislators—senators and representatives alike—attacked the principles of fairness, freedom, equality and justice. The assault on civil liberties was especially focused on religious freedom, LGBT equality, privacy, reproductive freedom, minority rights and equal treatment under the law. Even the very cornerstone of democracy—our right to vote—is now encumbered by a voter suppression initiative that requires eligible voters to present government-issued photo IDs in order to cast a ballot, disproportionately burdening people of color, seniors, students, disabled individuals, and the poor. Though ACLU-TN and our partners mobilized Tennesseans from across the state to urge repeal of the new photo ID law, the initiative fell on deaf ears.

This right-wing shift in our cultural landscape was also evident outside the legislature, as Occupy protesters' free speech was chilled by law enforcement at Nashville's legislative plaza, the Islamic Center of Murfreesboro was targeted by vandals and a vigorous legal campaign to halt its construction, and public school students were both subjected to extensive religious proselytization at school and harassed by students and school staff alike for their sexual orientation or for speaking out in support of LGBT rights.

While challenges like these are daunting, they only serve to fuel our drive to protect and promote the freedoms guaranteed by the Bill of Rights and the Tennessee Constitution. This year we added five important cases to our docket, launched two public education campaigns and organized two statewide speaking tours. We also created our first-ever youth advisory council. In addition, for the first time, ACLU-TN was recognized by the Tennessee Muslim community and presented with an Outstanding Leadership Award for "exemplary dedication and commitment to protecting the constitutional rights of all Tennesseans."

None of this would be possible without you—our supporters and friends. Thank you for your commitment to building a Tennessee where freedom, justice and equality are not just buzz words but an everyday reality for all Tennesseans. We look forward to our ongoing work together, fighting the good fight for civil liberties in Tennessee.

Sincerely,


Hedy Weinberg
ACLU-TN Executive Director


Susan L. Kay
ACLU-TN Board President



2011-2012 Highlights

Freedom of Speech

The right to express ourselves is essential to a participatory democracy. To ensure the free speech of Tennesseans, we:

- ★ Launched the "Celebrate the Freedom to Read" campaign, educating the public on banned books through distribution of bookmarks to every public library in the state, a web hub, and an interactive booth at the Southern Festival of Books.
- ★ Successfully protected the free speech and assembly rights of the Occupy Nashville protestors, who were arrested without probable cause and due process as a means to chill their free speech. ACLU-TN's lawsuit, filed in U.S. District Court, alleged that the State illegally revised the rules controlling Legislative Plaza. We were successful in halting enforcement of the rules.
- ★ Successfully mediated with city officials in Clarksville and county officials in Chattanooga on behalf of Occupy demonstrators over issues of signage, location and potential eviction; and educated Occupy activists in Murfreesboro and Memphis on their right to protest.
- ★ Filed a lawsuit to protect the free speech rights of a Sevierville fortune teller who was unable to open her business after the City threatened her with zoning enforcement because of specific restrictions placed on fortune-telling. This case is still pending.
- ★ Challenged a Brentwood ordinance to protect the freedom of speech and press rights of The Contributor, a street newspaper, and its vendors. In response to ACLU-TN's lawsuit, Brentwood amended its ordinance prohibiting the sale of merchandise in a variety of public spaces. ACLU-TN argues that the amended ordinance remains unconstitutional. The case is pending.
- ★ Successfully intervened on behalf of a Cannon County student concerned that his school was filtering all pro-LGBT websites but allowing access to anti-LGBT websites. After ACLU-TN sent a stern letter to the Cannon County school system, they disengaged their "Homosexuality" filter.
- ★ Successfully intervened on behalf of a Memphis labor blogger to stop the City's demands that the

blogger remove video of public events from his blog because it was critical of certain elected officials. Soon after receiving our letter, the Mayor's office backed down and our client was permitted to continue his blog and videotape meetings without further government intimidation.

- ★ Filed a complaint in federal court on behalf of a racial justice advocate from Ohio whose open records request to the City of Memphis was denied because he was not a citizen of Tennessee. The case is pending.

Religious Freedom

The Constitution protects our right to practice any religion or no religion at all. In defense of religious freedom, we:

- ★ Successfully challenged the pattern and practice of system-wide, school-sponsored religious activities in Sumner County on behalf of nine students in five schools. The lawsuit alleged teachers leading students in prayer and Bible study sessions; the opening of the schools to youth ministers who spoke of their church frequently at student lunch tables; the distribution of Bibles during instructional time; the display of a cross on a classroom wall and more. The Sumner County Board of Education ultimately agreed to settle all substantive claims.
- ★ Spearheaded opposition to the recently revived "Scopes Revisited" bill (aka "The Monkey Bill"), anti-evolution legislation that would authorize teachers to question the theory of evolution by presenting so-called "scientific controversies" and faith-based alternatives like intelligent design. As the only statewide advocacy group on the ground actively opposing this legislation, we strategized with national science groups and educators, frequently provided comments to national media outlets, and urged the governor to veto this legislation.
- ★ Successfully lobbied against and mobilized opposition to the "Religious Viewpoints Anti-Discrimination Act," which would have resulted in students being subjected to prayer and proselytizing in the classroom, assemblies and other school events.
- ★ Successfully intervened on behalf of a Muslim

man who had been forced to remove his kufi (head covering) in order to enter a Metro Nashville courthouse.

- ★ Effectively negotiated with the Davidson County Legal Department to adopt new policies at all Davidson County Sheriff Office facilities protecting religious freedom rights. Individuals entering these facilities will now be allowed to wear religious head coverings in booking photos for arrests and citations, at all jail facilities, and inside of all Davidson County courthouses.
- ★ Negotiated a settlement with the White County School Board on behalf of a fifth-grader who felt compelled to take a Bible distributed during instructional time for fear of ostracization by her teacher and classmates. The board agreed to stop the practice of allowing outside groups to enter public elementary schools during the school day to distribute religious texts to students.

Lesbian, Gay, Bisexual & Transgender Equality

Lesbian, gay, bisexual and transgender (LGBT) people have the same constitutional rights to privacy and equal protection and equal treatment under the law as all Americans. In defense of LGBT equality, we:

- ★ Successfully intervened at a Haywood County high school whose principal said gay students are “not on God’s path” and threatened to expel them if they publicly showed affection for members of the same sex. The incident appeared to be part of a broader pattern of official anti-gay remarks and policies by the principal. Within four hours of receiving the ACLU letter demanding a prompt investigation into the allegations, the offending principal resigned.
- ★ Worked in coalition with numerous state and national LGBT rights organizations to mobilize op-

position and lobby against Tennessee’s infamous “Don’t Say Gay” bill. As originally worded, this legislation would have banned the mention of any sexual orientation other than heterosexuality in public middle and elementary schools.



- ★ Negotiated on behalf of a Monroe County high school student who was verbally harassed by staff and students and reportedly also physically assaulted by his principal for wearing a T-shirt in support of the formation of a gay-straight alliance (GSA) student club at his school. The Monroe County Board of Education agreed to allow students to wear T-shirts in support of the GSA at the school and to review its dress code to ensure that students’ rights to free speech are protected.
- ★ Strategized with legislators and LGBT allies to draft a comprehensive anti-bullying bill, which will be pursued in the upcoming legislative session.
- ★ Showcased ACLU-TN’s successful campaign to implement a comprehensive anti-bullying policy in Davidson County public schools and ACLU-TN’s legislative and legal work for LGBT equality at a statewide anti-bullying conference and a nationwide safe schools roundtable.
- ★ Successfully intervened on behalf of a Stewart County student who was censored by his school

for wearing a T-shirt that said “Gay Pride.” After receiving a letter from ACLU-TN clarifying the student’s First Amendment right to express his views, the school board agreed to allow him to wear his shirt.

Racial and Ethnic Justice

The Constitution affords equal treatment and protection under the law to all people, regardless of race, ethnicity or immigration status. In our fight against racial and ethnic discrimination, we:

- ★ Strategized with other founding members of the Tennessee for All of Us coalition (TN4AOU) to mobilize opposition to pending anti-immigrant legislation in the 2012 legislative session.
- ★ Consulted with TN4AOU about media strategies and clergy contacts as they prepared for a “Clergy for Tolerance” (CFT) event which attracted over 280 clergy. ACLU-TN presented on pending anti-immigrant legislation at the CFT breakfast.
- ★ Successfully lobbied against legislation that would have instituted an “English-Only” driver’s license exam and prohibited translations of driver’s license exams to other languages.
- ★ Mobilized opposition to bills that capped foreign staff in charter schools and allowed magistrates to consider immigration status as a single aggravating factor in setting bail.
- ★ Filed a lawsuit on behalf of fifteen individuals stopped and detained based on their skin color and perceived national origin without warrants, cause or consent and in violation of their constitutional rights during a large-scale immigration raid at a Nashville apartment complex. This case is ongoing.
- ★ Triggered a U.S. Department of Housing and Urban Development investigation on behalf of Latino residents of the above apartment complex, who

were faced with chronic maintenance problems, water leaks, lack of essential services, mold and widespread pest infestation.

- ★ Filed an amicus brief in a case challenging the Davidson County Sheriff’s Office’s authority to enter into a 287(g) immigration enforcement agreement with Immigration and Customs Enforcement. Our brief explained that DCSO’s implementation of the 287(g) program siphoned precious law enforcement resources to focus on low-level offenders; created broad distrust of law enforcement within the immigrant community; jeopardized due process; and encouraged racial and ethnic profiling.

Reproductive Freedom and Women’s Rights

ACLU-TN is committed to ensuring that women receive equal treatment and protection under the law and that families can make personal decisions regarding reproduction free from interference by the government or other voters. This year we:

- ★ Strategized with allies to build a broad-based coalition that will raise awareness of the increasing assaults on women’s reproductive freedom, including the pending SJR127 2014 ballot initiative that would insert language into the Tennessee Constitution stating that nothing in the constitution secures or protects the right to abortion.
- ★ Successfully mobilized opposition to the “Life Defense Act,” which would have jeopardized patient privacy and confidentiality and threatened the safety and security of doctors performing abortions.
- ★ Lobbied against the “Gateway Sexual Activity” legislation that required sex education to focus “exclusively and emphatically” on abstinence, restricting students’ access to accurate and life-saving information.

FY 11-12 at a glance



- ★ Hosted a breakfast with Lenora Lapidus, ACLU Women's Rights Project Director, to share information about the Project's work to end violence against women, ensure economic justice for women, and promote educational equity for girls and women.



Government Surveillance

ACLU-TN is committed to ensuring that civil liberties are enhanced rather than compromised by new advances in science and technology. This year we:

- ★ Kicked off our statewide dotRights campaign focused on updating and expanding privacy laws to include new developments in technology, so that the government has the same restrictions on access to Americans' private, personal information online as they do offline. Our speaking tour included panel presentations in Knoxville, Nashville and Memphis.
- ★ Launched an online dotRights resource center including fact sheets explaining the many ways we leave a trail of personal data online; information on Tennessee laws affecting online activity; and a resource section linking to information about how to better protect oneself.
- ★ Collaborated with bill sponsors to pass legislation that would require warrants be issued before GPS tracking devices can be attached to cars and that would prohibit the use of drones by local law enforcement.

Voting Rights

Voting is the cornerstone of our democracy. In our commitment to ensure that every citizen can exercise this fundamental right, we:

- ★ Strategized with legislators and allies in an attempt to repeal the new law requiring a photo ID

to vote, which was passed the previous year.

- ★ Joined with other voting rights advocates as part of the broad-based "No Barriers to the Ballot Box" coalition, that focused on increasing awareness about voter suppression in Tennessee and mobilizing public opposition to the new photo ID law.
- ★ Organized a November 2011 Election Day hotline to assist voters with obstacles they encountered at the polls.
- ★ Launched an online voting rights resource center to empower Tennesseans with "know your rights" information and to mobilize them to speak out against the new photo ID law.

Students' Rights

The promises of the Bill of Rights apply to all Tennesseans, regardless of age. To protect the rights of young people, we:



- ★ Organized our annual students' rights conference, "Youth in Action: Know Your Rights, Know Your Tools," attended by students from across Tennessee.
- ★ Launched our first-ever youth advisory council, Teens Advocating for Civil Liberties, to empower young people with an increased awareness of their rights, take on leadership roles and engage in the fight for civil liberties.
- ★ Distributed "Know Your Rights" materials on religion in public schools and keeping graduation and prom inclusive for LGBT students to youth organizations and school superintendents statewide.
- ★ Expanded our internship program, crafting new internship opportunities linked to specific ACLU-TN departments or projects and strengthening outreach to public and private Tennessee universities.

Financials

Thank You: Your Support Makes a Difference

ACLU-TN is a vibrant and influential organization because of its creative and multifaceted strategies to protect freedoms, made possible by the generous support of its donors and card-carrying members. Substantial financial resources are essential to pursuing our work. ACLU receives no government funding and never charges for its services. We rely entirely on individual tax-deductible gifts, membership dues, grants, court-awarded attorneys' fees and bequests.

ACLU-TN is a private, non-partisan, non-profit membership organization headquartered in Nashville and serving Tennesseans across the state. We are an affiliate of the national ACLU, but are independently directed by a statewide board.

ACLU-TN is composed of the ACLU Foundation of Tennessee, a 501(c)3 tax-deductible organization that conducts our legal, advocacy and education activities; and the ACLU of Tennessee Affiliate, a 501(c)4 organization that conducts membership outreach and legislative lobbying. Gifts to the Foundation are tax-deductible.

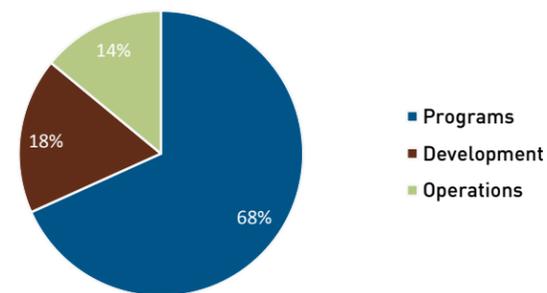
Giving to the ACLU Foundation of Tennessee

The ACLU Foundation of Tennessee welcomes both Annual Campaign contributions as well as planned gifts. Immediate gifts provide for current needs, while planned gifts leave a lasting legacy and sustain the organization for the long term. Gifts to our Annual Campaign are happily accepted year-round via cash, credit card or check. Gifts may be made via mail or online at our website. ACLU-TN also accepts gifts of stock, securities or mutual fund shares; please call our Development office to obtain transfer information.

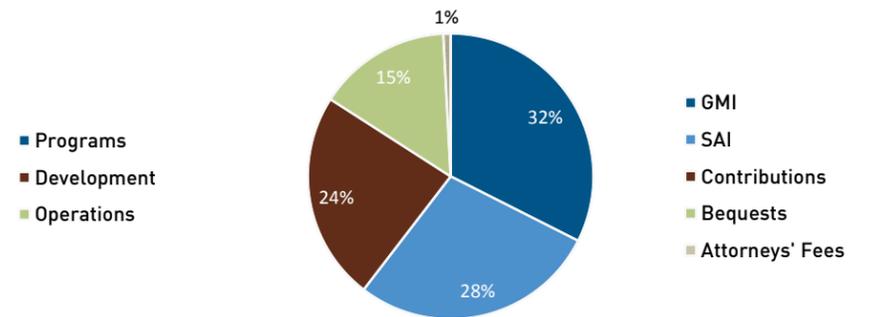
Planned gifts, such as bequests, help sustain the ACLU for generations to come. In addition to designating the ACLU as a beneficiary in a will or revocable living trust, donors may also designate the ACLU or ACLU Foundation as a beneficiary of a life insurance policy, IRA or pension.

Detailed information about planned giving opportunities with the ACLU is available from the Development Department at 615-320-7142 x308.

EXPENSES



INCOME



NOTE: Combined unaudited financials are for both the ACLU Foundation of Tennessee and the ACLU of Tennessee Affiliate.